

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAUREN ANN KINASCHUK,

Plaintiff,

v.

Case No. 07-14014

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

UNITED STATES ATTORNEY GENERAL,
DEPT. OF HOMELAND SECURITY,
FEDERAL BUREAU OF INVESTIGATION,
and UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING IN PART
AND DENYING IN PART MOTION TO DISMISS OR REMAND, AND REMANDING
ACTION TO THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES**

Presently before the Court is the report issued on February 6, 2008 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b), recommending that this Court grant in part and deny in part the defendants' motion to dismiss or remand the case to the United States Citizenship and Immigration Services (CIS). The magistrate judge rejected the defendants' argument for dismissal for lack of subject matter jurisdiction, but agreed with their request for remand. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 14] is **ADOPTED**.

It is further **ORDERED** that the defendants' motion to dismiss or remand [dkt # 10] is **GRANTED IN PART** and **DENIED IN PART**.

It is further **ORDERED** that this action is **REMANDED** to the United States Citizenship and Immigration Services for a prompt determination of the plaintiff's application for naturalization.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: March 12, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 12, 2008.

s/Felicia M. Moses

FELICIA M. MOSES